

**ORDINANCE NO. 1822**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, SPREADING THE ASSESSMENTS AGAINST BENEFITTED PROPERTIES IN THE COLE ADDITION LOCAL IMPROVEMENT DISTRICT; DIRECTING THE ENTRY OF THE ASSESSMENTS IN THE CITY LIEN DOCKET AND THE COUNTY LIEN RECORDS; SETTING THE INTEREST RATE FOR DELINQUENT AND INSTALLMENT PAYMENTS AND ESTABLISHING CONNECTION REQUIREMENTS.**

WHEREAS, the City Council finds that:

1. The Cole Addition Local Improvement District was created by Ordinance No. 1815, adopted on March 4, 1997. The local improvement district was created for the purpose of financing sanitary sewer improvements in or near Sherrett Street in Milwaukie's Cole Addition.

2. The improvements were made in accordance with the City's plans and specifications for the project. The improvements were completed in August, 1997.

3. The total cost of the improvements is \$134,211. By Resolution No. 32-1997, adopted September 16, 1997, the City Council determined that the benefitted properties would pay seventy-five percent (75%) of the total cost or \$100,657.

4. An assessment roll has been prepared listing the assessment for the properties benefitted by the improvements. Notice of the proposed assessment was mailed to the owner of each lot to be assessed pursuant to Milwaukie Municipal Code Section 3.08.070.

5. A public hearing was held to consider objections to the proposed assessments on October 7, 1997.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

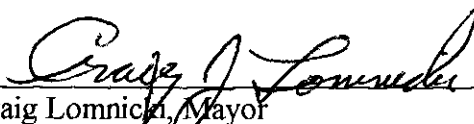
Section 1. The final assessment for each property is as shown on the Assessment Roll attached hereto and incorporated herein as Exhibit "A." The assessments are spread by tax lot in order to arrive at a just and reasonable apportionment of the cost of \$100,657 between the benefitted properties. This manner of spreading the assessments is just and reasonable as required by Milwaukie Municipal Code Section 3.08.090(A)(2) because each lot can be developed to accommodate only one dwelling unit. The City Engineer recommended in his report to the Council on March 4, 1997 that the property owners' share of the cost be split equally among the tax lots and the City Council is relying on this recommendation in spreading the assessments. Further, the City Council finds that the amount of each assessment is consistent with the benefit derived from the improvements by each property.

- Section 2. The Finance Director shall enter the assessment for each tax lot in the city's lien docket pursuant to Milwaukie Municipal Code Section 3.08.110 and shall record a lien for each assessment in the county records pursuant to ORS 93.643.
- Section 3. Within ten days of the adoption of this ordinance, the Finance Director shall send a notice of assessment to each property owner shown on the Assessment Roll in accordance with Milwaukie Municipal Code Section 3.08.120.
- Section 4. Interest will begin accruing on any unpaid portion of the assessment on the 31st day after the Finance Director has entered the assessment in the city lien docket. The interest rate shall be 7.5% per annum.
- Section 5. Section 13.12.020 of the Milwaukie Municipal Code requires "[a]ll structures containing sanitary facilities which are located within two hundred feet of a sewer line shall be connected to the sewer system." The City Council finds that this code section represents an important policy and a desirable regulation by the City. Nevertheless, the City council recognizes the substantial expense and unique facts of this local improvement district. Therefore, in order to mitigate the financial burden of connection, the City Council has determined that the properties assessed for the Cole Addition sanitary sewer improvements shall be required to connect to the sanitary sewer system at the first occurring of:
- a. November 1, 2000;
  - b. Failure of the private cesspool or sewage system on the property; or
  - c. Transfer of the property to a different owner.


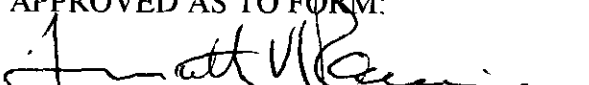
Read for the first time on October 7, 1997 and moved to a second reading by a 4-0 vote of the City Council.

Read for the second time and adopted by the City Council on October 7, 1997.

Signed by the Mayor on October 7, 1997.

  
Craig Lomnicki, Mayor

ATTEST:

  
Pat DuVal, City Recorder  
APPROVED AS TO FORM:  
  
O'Donnell Ramis Crew Corrigan & Bachrach